

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EASY SPIRIT, LLC,

Plaintiff,

-against-

SKECHERS U.S.A., INC. and  
SKECHERS U.S.A., INC. II,

Defendants.

Civil Action No. 1:19-cv-03299-WHP

**[CONFIDENTIAL VERSION]****PLAINTIFF'S APPENDIX TO COUNTERSTATEMENT OF MATERIAL FACTS  
TO DEFENDANTS SKECHERS U.S.A., INC. AND SKECHERS U.S.A., INC. II'S  
RULE 56.1 STATEMENT OF MATERIAL FACTS**

<b>EXHIBIT</b>	<b>DESCRIPTION</b>	<b>BATES RANGE</b>
1	Declaration of Darren W. Saunders	
2	Declaration of Mark DeZao	
3	Deposition Transcript Excerpts of Robert Greenberg, August 19, 2020	
3A	Greenberg Dep. Ex. 1	
3B	Greenberg Dep. Ex. 2 (Hobbs Dep. Ex. 46)	SKNY0045202-4
3C	Greenberg Dep. Ex. 3	SKNY0131153-4
3D	Greenberg Dep. Ex. 4	SKNY0099878
3E	Greenberg Dep. Ex. 5	SKNY0099848
4	Deposition Transcript Excerpts of Mark DeZao, February 14, 2020	
5	Deposition Transcript Excerpts of Henry Besanceney, February 13, 2020	
6	Deposition Transcript Excerpts of Savva Teteriatnikov, January 17, 2020	
6A	Teteriatnikov Dep. Ex. 5	SKNY0090078-80
6B	Teteriatnikov Dep. Ex. 6	SKNY0090017-19
6C	Teteriatnikov Dep. Ex. 7	SKNY0090076-7
6D	Teteriatnikov Dep. Ex. 8	SKNY0063258-61
6E	Teteriatnikov Dep. Ex. 22	SKNY0089975-81
6F	Teteriatnikov Dep. Ex. 33	
7	Email from Lori Mamiya to Jessica Baruch, May 5, 2017 "Re: Memo from RG"	SKNY0004194

EXHIBIT	DESCRIPTION	BATES RANGE
8	Deposition Transcript Excerpts of Jessica Baruch, January 20, 2020	
8A	Baruch Dep. Ex. 12	SKNY0001323-7
8B	Baruch Dep. Ex. 14	SKNY0014686-7
8C	Baruch Dep. Ex. 18	
8D	Baruch Dep. Ex. 19	
8E	Baruch Dep. Ex. 20	
8F	Baruch Dep. Ex. 21	
8G	Baruch Dep. Ex. 22	
8H	Baruch Dep. Ex. 23	
8I	Baruch Dep. Ex. 24	
8J	Baruch Dep. Ex. 25	
8K	Baruch Dep. Ex. 26	
8L	Baruch Dep. Ex. 27	
8M	Baruch Dep. Ex. 30	
8N	Baruch Dep. Ex. 31	
9	Deposition Transcript Excerpts of Melissa Hobbs, January 14, 2020	
10	Easy Spirit TravelTime Ad	SKNY0008554
11	Skechers Commute Time Ad	SKNY0000015
12	Amazon.com _ Skechers Women's Commute TIME - RIDESHARE - Quarter Cut	
13	Screenshot from Macys.com showing an Easy Spirit TravelTime shoe	
14	Screenshot from Macys.com showing a Skechers Commute Time shoe	
15	Screenshot from Nordstromrack.com showing an Easy Spirit TravelTime shoe	
16	Screenshot from Nordstromrack.com showing a Skechers Commute Time shoe	
17	Screenshot from Beallsflorida.com showing an Easy Spirit TravelTime shoe	
18	Screenshot from Beallsflorida.com showing a Skechers Commute Time shoe	
19	Screenshot from Boscovs.com showing an Easy Spirit TravelTime shoe	
20	Screenshot from Boscovs.com showing a Skechers Commute Time shoe	
21	Email from Daphne Eplboim to Emma Stevens and Jessica Baruch, August 8, 2019 "Re: Early Spring & Spring '20 Needs"	SKNY0000866-8
22	Screenshot from Blair.com showing an Easy Spirit TravelTime shoe	
23	Screenshot from Blair.com showing a Skechers Commute Time shoe	

EXHIBIT	DESCRIPTION	BATES RANGE
24	Screenshot from Youtube.com showing an Easy Spirit TravelTime shoe from an HSN program.	
25	Screenshot from Youtube.com showing a Skechers Commute Time shoe from an HSN program.	
26	Screenshot from Youtube.com showing an Easy Spirit TravelTime shoe from a QVC program.	
27	Screenshot from Youtube.com showing a Skechers Commute Time shoe from a QVC program.	
28	Propetusa.com Website Screenshot	
29	Article, "Easy Spirit's Getting a Modern Makeover To Attract a Younger Audience" August 22, 2017, FootwearNews.com	
30	Article, "What to Wear When You Are Running Around All Day" October 18, 2019, O The Oprah Magazine	ESNY_033565-78
31	Article, "How to Squeeze in More Me-Time Throughout the Week" June 20, 2019, O The Oprah Magazine	ESNY_033579-87
32	Article, "Best Easy Spirit Shoes For Free Spirited Women Reviewed" March 15, 2019, WalkJogRun.net	
33	Article, "Shoppers Say You Won't Regret Adding This Unexpected Style With 7,000 Perfect Reviews to Your Wardrobe" July 14, 2020, Health.com	
34	Article, "The 13 Most Comfortable Women's Slip-on Sneakers According to Thousands of Customer Reviews" June 1, 2020, TravelandLeisure.com	
35	Catalogs Showing TravelTime	ESNY_000127-134
36	Easy Spirit Marketing/Advertising Spend 2017-2020	ESNY_036285
37	Deposition Transcript Excerpts of Shanya Perera, February 12, 2020	
38	Easy Spirit 2018 Spring Media Campaign Wrap Up	ESNY_033060-72
39	Deposition Transcript Excerpts of Karianne Spear, March 12, 2020	
40	Email from Emily Welch to Darren Saunders & Jason Kasner January 17, 2020 "Re: Easy Spirit v. Skechers – SDNY – Meet and Confer 1/16/20 recap"	
41	Screenshot of the TSDR Status of US Trademark Registration No. 4,505,161 for the mark TRAVELTIME from the website uspto.gov.	

Dated: New York, New York  
September 28, 2020

Respectfully submitted,

/s/ Darren W. Saunders

Darren W. Saunders

[dsaunders@peroffsaunders.com](mailto:dsaunders@peroffsaunders.com)

Mark I. Peroff

[mark.peroff@peroffsaunders.com](mailto:mark.peroff@peroffsaunders.com)

Cassandra M. Tam

[cassandra.tam@peroffsaunders.com](mailto:cassandra.tam@peroffsaunders.com)

Jason H. Kasner

[jkasner@peroffsaunders.com](mailto:jkasner@peroffsaunders.com)

PEROFF SAUNDERS P.C.

745 5th Avenue | Suite 500

New York, NY 10151

Tel: 646.898.2030

*Attorneys for Plaintiff*

Easy Spirit, LLC